UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,254	02/04/2002	Alan M. Vale	LS/0022.00	8491

8791 7590 03/14/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER	
JERABEK, KELLY L	

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/068,254	VALE ET AL.	
	Examiner	Art Unit	
	Kelly L. Jerabek	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *2/4/2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/3/2006 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Specification

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on page 7 of the specification. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of automatically initiating an immediate transfer of information from a data capture device must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 6, 8-9, 15, 18, 21-22, and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. US 6,239,837 in view of Bateman et al. US 2002/0194414.

Re claim 1, Bateman discloses a method facilitating transfer of information from a data capture device (102) to a host device (108,112) (page 2, paragraphs 21-22), the method comprising: upon connection of a data capture device (102) to a host device (108,112) that is capable of communicating with the data capture device (102), automatically verifying that a connection has been established between the data capture device (102) and the host device (page 3, paragraph 28) and automatically initiating an immediate transfer of information from the data capture device (102) (pages 2-3 paragraph 23). However, although the Bateman reference discloses all of the above limitations it fails to specifically state that upon connection of the data capture

device and to the host device notification that a transfer of information is in process and notification of successful completion of the transfer of information is automatically provided.

Yamada discloses in figures 1-3 a camera capable of accepting an auxiliary memory card (MC). The camera includes a liquid crystal display section (30) that displays a plurality of icon marks (46-66) according to the operation modes of the camera (col. 3, lines 60-67). When the memory card (MC) is attached to the camera, icon mark (64) is displayed thus verifying that the connection has been established and the microprocessor (MPU1) instructs microprocessor (MPU2) to perform processing operations (col. 6, line 53 – col. 7, line 10). When the camera is in the copying mode of copying image data from the main memory (MM) to the memory card (MC), icon mark (62) automatically provides a notification that a transfer of information is in process (col. 4, lines 32-35; col. 9, line 59 – col. 10, line 15). Each time an individual image is transferred and copied the values of icon marks (56, 60) are changed (col. 11, line 59 – col. 12, line 10). Therefore, icon marks (56,60) provide notification of successful completion of the transfer of information. Therefore, it would have been obvious for one skilled in the art to have been motivated to automatically provide notification that a transfer of information is in process and automatically provide notification of successful completion of a transfer of information as disclosed by Yamada in the system configured to transfer data between a peripheral device and a host as disclosed by Bateman. Doing so would provide a means for allowing a user of an image capture

device to view the transfer status of image data being transferred from the image capture device to a host.

Re claim 2, when the camera disclosed by Yamada is in the copying mode of copying image data from the main memory (MM) to the memory card (MC), icon mark (62) automatically provides a notification that a transfer of information is in process (col. 4, lines 32-35; col. 9, line 59 – col. 10, line 15). Icon mark (62) is displayed on LCD (30) therefore the icon mark (62) is an illumination of a light on the data capture device.

Re claim 6, see claim 2.

Re claim 8, Yamada states that each time an individual image is transferred and copied the values of icon marks (56, 60) are changed (col. 11, line 59 – col. 12, line 10).). Icon marks (56,60) are displayed on LCD (30) therefore the icon marks (56,60) are an illumination of a light on the data capture device.

Re claim 9, Yamada uses icon marks (56,60) to provide notification of successful completion of transfer of information but does not specifically state that the notification is provided by extinguishing a light on the data capture device. The Examiner takes

Official Notice that it is well known in the art to illuminate an LED on a device that is transferring data during the transfer of the data and to turn off the LED when the transfer is completed. Therefore, it would have been obvious for one skilled in the art to have been motivated to provide an LED that is turned off when the transfer of data is completed in place of the icon marks (56,60) for providing visual notification of successful completion of transfer of information.

Re claim 15, see claim 1.

Re claim 18, when the memory card (MC) is attached to the camera, icon mark (64) is displayed on LCD (30) thus verifying that the connection has been established and the microprocessor (MPU1) instructs microprocessor (MPU2) to perform processing operations (col. 6, line 53 – col. 7, line 10).

Re claim 21, when the camera is in the copying mode of copying image data from the main memory (MM) to the memory card (MC), icon mark (62) automatically provides a notification on LCD (30) that a transfer of information is in process (col. 4, lines 32-35; col. 9, line 59 – col. 10, line 15).

Re claims 22 and 25, each time an individual image is transferred and copied the values of icon marks (56, 60) on LCD (30) are changed (col. 11, line 59 – col. 12, line 10). Therefore, icon marks (56,60) provide notification of successful completion of the transfer of information.

Claims 3-5, 7, 10-14, 16-17, 19-20, 23-24, and 26-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. in view of Yamada and further in view of Okada US 6,630,954.

Re claim 3, the combination of the Bateman and Yamada references disclose all of the limitations of claims 1 and 2 above. However, the notifications provided by Yamada are icon marks that are displayed on an LCD. The combination of Bateman and Yamada does not specifically state that the notifications are light emitting diodes or audio signals.

Okada discloses an image pickup apparatus including an image erasure status notification function. If the image data has already been transferred, a message is provided to the user indicating that the image to be erased has already been transferred to another storing area (col. 2, lines 54-62). The message is provided to the user using either a flickering LED, a display of an LCD, or a sound generation of a buzzer (col. 2, lines 41-53). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of using an LED or a buzzer for user notification

as disclosed by Okada in the system configured to transfer data between a peripheral device and a host as disclosed by Bateman in view of Yamada. Doing so would provide a means for flickering an LED or sounding a buzzer in order to provide notifications to a user of a camera (Okada: col. 2, lines 54-62).

Re claim 4, Okada states that a flickering led is used to notify a user that an image has been transferred (col. 2, lines 41-46).

Re claim 5, the LED disclosed by Okada is green to confirm that an image has been transferred (col. 2, lines 41-46).

Re claim 7, Okada states that sound generation of a buzzer is used to notify a user that an image has been transferred (col. 2, lines 50-53).

Re claim 10, the combination of Bateman and Yamada disclose all of the limitations of claims 1 above. Yamada also states the when the capacity of the auxiliary memory is insufficient before the whole image is transferred icon mark (60) indicates the number of uncopied image data (col. 12, lines 11-49). However, the combination of

Bateman and Yamada does not specifically disclose an automatic notification of failure if the transfer of information is not successfully completed.

Okada discloses an image pickup apparatus including an image erasure status notification function. If the image data has not been transferred, a message is provided to the user indicating that the image to be erased has not been transferred to another storing area (col. 2, line 63 - col. 3, line 24). The message is provided to the user using either a flickering LED, a display of an LCD, or a sound generation of a buzzer (col. 3, lines 1-10). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of using an LED or a buzzer to notify a user that a transfer of information was not successfully completed as disclosed by Okada in the system configured to transfer data between a peripheral device and a host as disclosed by Bateman in view of Yamada. Doing so would provide a means for flickering an LED or sounding a buzzer in order to provide notifications to a user of a camera that an image has not yet been transferred (Okada: col. 3, lines 11-19).

Re claim 11, Okada states that a red LED is lit to notify the user that the image to be erased is not transferred (col. 3, lines 1-4).

Re claims 12-13, see claim 11.

Re claim 14, Okada states that a message on an LCD is used to notify the user that the image to be erased is not transferred (col. 3, lines 4-8).

Re claim 16, the combination of the Bateman and Yamada references discloses all of the limitations of claim15 above. However, the notifications provided by Yamada are icon marks that are displayed on an LCD. The combination of Bateman and Yamada does not specifically state that the notifications are light emitting diodes or audio signals.

Okada discloses an image pickup apparatus including an image erasure status notification function. If the image data has already been transferred, a message is provided to the user indicating that the image to be erased has already been transferred to another storing area (col. 2, lines 54-62). The message is provided to the user using either a flickering LED, a display of an LCD, or a sound generation of a buzzer (col. 2, lines 41-53). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of using an LED or a buzzer for user notification as disclosed by Okada in the system configured to transfer data between a peripheral device and a host as disclosed by Bateman in view of Yamada. Doing so would provide a means for flickering an LED or sounding a buzzer in order to provide notifications to a user of a camera (Okada: col. 2, lines 54-62).

Re claim 17, the LED disclosed by Okada is green to confirm that an image has been transferred (col. 2, lines 41-46). Okada also states that in addition to the color and flickering period of the LED, the light-on time of the LCD is used to provide notifications to the user of a camera (col. 6, line 65 – col. 7, line 10).

Re claim 19, 20 and 23, Okada states that a flickering led is used to notify a user that an image has been transferred (col. 2, lines 41-46).

Re claim 24, the combination of the Bateman, Yamada and Okada references discloses all of the limitations of claim 23 above. Yamada uses icon marks (56,60) to provide notification of successful completion of transfer of information but does not specifically state that the notification is provided by extinguishing a light on the data capture device. The Examiner takes **Official Notice** that it is well known in the art to illuminate an LED on a device that is transferring data during the transfer of the data and to turn off the LED when the transfer is completed. Therefore, it would have been obvious for one skilled in the art to have been motivated to provide an LED that is turned off when the transfer of data is completed in place of the icon marks (56,60) for providing visual notification of successful completion of transfer of information.

Re claim 26, the combination of the Bateman and Yamada references disclose all of the limitations of claims 15 above. Yamada also states the when the capacity of the auxiliary memory is insufficient before the whole image is transferred icon mark (60) indicates the number of uncopied image data (col. 12, lines 11-49). However, the combination of the Bateman and Yamada references does not specifically disclose an automatic notification of failure if the transfer of information is not successfully completed.

Okada discloses an image pickup apparatus including an image erasure status notification function. If the image data has not been transferred, a message is provided to the user indicating that the image to be erased has not been transferred to another storing area (col. 2, line 63 - col. 3, line 24). The message is provided to the user using either a flickering LED, a display of an LCD, or a sound generation of a buzzer (col. 3, lines 1-10). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of using an LED or a buzzer to notify a user that a transfer of information was not successfully completed as disclosed by Okada in the system configured to transfer data between a peripheral device and a host as disclosed by Bateman in view of Yamada. Doing so would provide a means for flickering an LED or sounding a buzzer in order to provide notifications to a user of a camera that an image has not yet been transferred (Okada: col. 3, lines 11-19).

Re claim 27, Okada states that a red LED is lit to notify the user that the image to be erased is not transferred (col. 3, lines 1-4).

Re claim 28, Okada states that a message on an LCD is used to notify the user that the image to be erased is not transferred (col. 3, lines 4-8).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kanevsky et al. (US 6,393,470) discloses a non-intrusive automatic remote support for freeing overloaded storage in portable devices. The information regarding transmission of image data is relevant material.

Hendrey et al. (US 6,542,748) discloses a method and system for automatically initiating a telecommunications connection based on a distance. The information regarding transmission of image data is relevant material.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on **(571) 272-7593**. The fax phone number for submitting all Official communications is **(703) 872-9306**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ

DAVID OMETZ
SUPERVISORY PATENT EXAMINER